

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON D. GREEN,

Plaintiff,

v.

LAWRENCE SAMPLES et al.,

Defendants.

Case No. 2:19-cv-02006-APG-VCF

ORDER

I. DISCUSSION

On November 15, 2020, the Court issued a screening order dismissing some claims with prejudice, dismissing one claim with leave to amend, and permitting five other claims to proceed. (ECF No. 7 at 13-14). After two extensions of time, the Court granted Plaintiff until January 22, 2021 to file an amended complaint curing the deficiencies of claim 5 only. (ECF No. 7 at 12, 14; ECF Nos. 10, 12). The Court specifically stated that if Plaintiff chose not to file an amended complaint, the action would proceed only against Samples (claim 1) and the Doe officers when Plaintiff learned their identities (claims 2, 4, 6, and 7). (ECF No. 7 at 15). Plaintiff has not filed an amended complaint, but he has filed a motion to substitute the names of the Doe officers in claims 2, 4, 6, and 7. (ECF No. 13).

The Court now grants Plaintiff's motion to substitute the names of the Doe officers. Pursuant to the screening order, this action will proceed against Samples (claim 1); Detective M. O'Hallaron, P#9626 (claim 2); Correctional Officers ("C/O") Esporza and Gonzales (claim 4); and C/Os Gaines and Williams (claims 6 and 7).

II. CONCLUSION

For the foregoing reasons, it is ordered that the motion to substitute the names of Doe officers (ECF No. 13) is granted.

It is further ordered that the Clerk of the Court will add the following individuals to the docket as defendants in this case: Detective M. O'Hallaron (P#9626), C/O Esporza,

1 C/O Gonzales, C/O Gaines, and C/O Williams.

2 It is further ordered that pursuant to the Court's screening order (ECF No. 7) and
3 the motion to substitute (ECF No. 13), this action will proceed against Defendants
4 Lawrence Samples (claim 1); Detective M. O'Hallaron, P#9626 (claim 2); C/Os Esporza
5 and Gonzales (claim 4); and C/Os Gaines and Williams (claims 6 and 7).

6 It is further ordered that the Clerk of Court **will issue** summonses for Defendants
7 Lawrence Samples, Detective M. O'Hallaron (P#9626), C/O Esporza, C/O Gonzales, C/O
8 Gaines, and C/O Williams, **and deliver the same**, to the U.S. Marshal for service. The
9 Clerk also **will send** sufficient copies of the complaint (ECF No. 8) and this order to the
10 U.S. Marshal for service on Defendant(s).

11 It is further ordered that the Clerk **will send** to Plaintiff **six (6)** USM-285 forms.
12 Plaintiff will have **thirty (30) days** within which to furnish to the U.S. Marshal the required
13 USM-285 forms with relevant information as to each Defendant on each form.

14 It is further ordered that within **twenty (20) days** after receiving from the U.S.
15 Marshal a copy of the USM-285 forms showing whether service has been accomplished,
16 Plaintiff must file a notice with the Court identifying which Defendant(s) were served and
17 which were not served, if any. If Plaintiff wishes to have service again attempted on an
18 unserved Defendant(s), then a motion must be filed with the Court identifying the
19 unserved Defendant(s) and specifying a more detailed name and/or address for said
20 Defendant(s), or whether some other manner of service should be attempted.

21 It is further ordered that Plaintiff will serve upon defendant(s) or, if an appearance
22 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or
23 other document submitted for consideration by the Court. If Plaintiff electronically files a
24 document with the Court's electronic-filing system, no certificate of service is required.
25 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
26 mails the document to the Court, Plaintiff shall include with the original document
27 submitted for filing a certificate stating the date that a true and correct copy of the
28 document was mailed to the defendants or counsel for the defendants. If counsel has

1 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
2 named in the notice of appearance, at the physical or electronic address stated therein.
3 The Court may disregard any document received by a district judge or magistrate judge
4 which has not been filed with the Clerk, and any document received by a district judge,
5 magistrate judge, or the Clerk which fails to include a certificate showing proper service
6 when required.

7
8 DATED THIS ^{1st} ____ day of February, 2021.



United States Magistrate Judge